Vaccinations – clause 47
The Amendment Act includes vaccinations as a medical treatment under the existing provisions of the Child Protection Act. This enables medical practitioners to treat a child who is in the chief executive’s custody without the consent of the child’s parents where it is reasonable to do so. The health professional will be required to give a report on the treatment.

Departmental policy will continue to require staff to take reasonable steps to seek parents’ views around vaccination where they retain guardianship, but would enable the vaccination of a child without parental consent where treatment has been requested by the chief executive. This is particularly important for emergency situations such as a child’s exposure to a viral illness or an accident requiring a tetanus vaccination.

Intervention with Parental Agreement (IPA) – clauses 28 and 29
The Amendment Act clarifies the department is not required to consider an IPA if it is reasonably believed the child would be at immediate risk of harm if the parents withdraw their agreement to the intervention.
For those children and young people who are subject to an IPA, the department must detail in the case plan what is expected of both their parents and the department to achieve the goals of the intervention.

Temporary Custody Orders – clauses 15 and 16
The Amendment Act confirms a temporary custody order can be applied for to provide for the immediate safety of a child, while the Director of Child Protection Litigation considers whether or not they will apply for an order.

A magistrate can only make a temporary custody order if they are satisfied that, within the period of the order, the department or the Director of Child Protection Litigation will be able to decide the most appropriate action to meet the child’s ongoing protection and care needs.

Research – clause 73
The Amendment Act enables the chief executive to authorise access to information that could identify a person, as long as the chief executive is satisfied it is reasonably necessary for the research and the information will not be published in a way that could result in identification. This will mean the department will be able to participate in a greater range of research and analytic projects.
Publishing of information regarding child witnesses – clause 74
The Amendment Act extends the prohibition against publishing identifying information about a child or young person who is reasonably likely to be a witness in criminal proceeding related to an office of a sexual or violent nature, and makes it clear the protections apply to all proceedings in the criminal prosecution process (such as extradition, bail and committal proceedings).

The Amendment Act also makes it clear that identifying information about police or departmental officers may not be published in relation to offences of a sexual nature where a child or young person may be a witness.

Use of information by the Queensland Police Service – clause 75
The Amendment Act provides clarification that the Queensland Police Service can use information they have obtained in their duties to issue a child abduction or amber alert when a child or young person in care is missing, without seeking approval from the department, provided that information does not identify the child or young person as being in care.

For further information, please call (07) 3238 7689 or email CPAreform@csyw.qld.gov.au.